

EXHIBIT A

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

YELLOWCAKE, INC.,

Plaintiff,

v.

Case No:

HYPHY MUSIC, INC.,

1:20-CV-00988-DAD-BAM

Defendant.

VIDEOTAPED DEPOSITION OF JOSE MARTINEZ

DATE: Tuesday, July 26, 2022

TIME: 1:02 p.m.

REPORTED BY: Lani Watts, CVR-CM

JOB No.: 11545

Conducted by videoconference via the Remote Legal
platform.



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1 prior testimony.

2 MR. BERMAN: Over your counsel's
3 objection, you could answer.

4 THE WITNESS: Authority to receive the
5 money, not necessarily authority to make decisions over
6 the band.

7 BY MR. BERMAN:

8 Q Okay. Did you ever engage in any discussions
9 or negotiations with any other members of the band
10 besides Mr. Chavez?

11 A Yes. Domingo Torres, who is the producer of
12 all the musical works of Los Originales de San Juan.

13 Q Is Mr. Torres a member of the band?

14 A Member and co-founder and co-owner.

15 Q Did you ever have any negotiations with Mr.
16 Torres in writing?

17 A No. Most of these folks are, again, like
18 family. The whole band accepted to go to my sister's
19 wedding in Mexico right before Christmas in 2015. Not a
20 single dollar was spent on that visit. So again, if
21 you're dealing with family members, or at least people
22 you trust, I don't think that there's a need to sign.

23 And like I said previously, Mr. Chavez Senior
24 told me himself, his signature is his word.

25 Q So the answer is, no. There's no negotiations



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1 with Mr. Torres in writing, correct?

2 MR. BEGAKIS: Objection. Argumentative.
3 Misstates the witnesses prior testimony.

4 MR. BERMAN: Over your counsel's
5 objection, you can answer.

6 THE WITNESS: There was extreme dialogue,
7 but nothing in writing. No.

8 BY MR. BERMAN:

9 Q Did you have any sort of business dealings
10 with the band between 1995 and 2013?

11 MR. BEGAKIS: Objection. Vague as to
12 business dealings.

13 MR. BERMAN: It was intentionally vague.
14 So over your counsel's objection --

15 MR. BEGAKIS: Thank you for supporting my
16 objection. I renew the objection to the extent the
17 witness can answer without speculating. He can answer.

18 THE WITNESS: There was an indirect
19 working relationship prior to 2013. As a matter of
20 fact, that's the reason why Los Originales de San Juan
21 came to us. Prior to 2013, we were working with his
22 son, Chuy Chavez, Jr., on several releases. We were
23 waiting for the term out of the commitment he had with
24 Morena Music at that time. We met in his home, and Mr.
25 Chavez advised us that he was about to record a featured



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1 Q Okay. So the answer is there are no
2 documents, correct?

3 MR. BEGAKIS: Objection. Misstates the
4 witnesses prior testimony.

5 MR. BERMAN: Over your client -- your
6 counsel's objection, you could answer.

7 THE WITNESS: Misleading question. I
8 can't answer.

9 MR. BERMAN: Okay. Move the strike as
10 nonresponsive.

11 BY MR. BERMAN:

12 Q Does Hyphy have any documents in its
13 possession. To reflect any understanding between the
14 band members and Hyphy Music that Hyphy Music would be a
15 co-author of the two live albums?

16 MR. BEGAKIS: Objection. Vague.

17 MR. BERMAN: Over your counsel's
18 objection, you can answer.

19 THE WITNESS: The receipt of purchases --
20 the checks received by Mr. Chavez on behalf of the band
21 members; those are the documents I can provide you with.

22 BY MR. BERMAN:

23 Q Okay. So other than the checks that you just
24 referred to, to the best of your knowledge, Hyphy is not
25 in possession of any other documents that reflects any



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1 understanding between any of the band members and Hyphy
2 Music that the band members and Hyphy Music would be co-
3 authors of the live albums, correct?

4 MR. BEGAKIS: Objection. Vague,
5 argumentative, counsel should lower his voice and calm
6 down a little bit when he's asking these questions. And
7 to the extent that it hasn't been asked and answered,
8 the witness can answer.

9 MR. BERMAN: Over your counsel's
10 misleading objection, you could answer.

11 THE WITNESS: The mutual understanding
12 was not put in writing. I suspect you are asking me to
13 fabricate an answer that is not true and correct.

14 BY MR. BERMAN:

15 Q So as we sit here today, Hyphy is not in
16 possession of any documents that specifically refer to
17 any understanding between the band and Hyphy Music that
18 Hyphy would be a co-author of the live albums, correct?

19 MR. BEGAKIS: Objection. Asked like five
20 times, and answered like five times, and argumentative.

21 MR. BERMAN: Over your counsel's
22 objection, you could answer.

23 MR. BEGAKIS: To the extent that you've
24 got a new answer to provide, Mr. Martinez.

25 THE WITNESS: I don't.



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1 BY MR. BERMAN:

2 Q Okay. So now with regards to the remaining
3 two albums --

4 A There should be three.

5 Q Well, I'm talking about now -- well,
6 specifically regarding the remaining two albums for
7 which Hyphy has claimed -- or registered a copyright
8 registration and connection with, and that would be
9 Corridos de Poca and El campesino, correct?

10 A Yes. Correct.

11 Q Okay. Now, is it your position that Hyphy is
12 it co-author of Corridos de Poco M and El Campesino?

13 A Yes.

14 Q What is the basis for your belief?

15 MR. BEGAKIS: Objection. Vague as to
16 basis. Calls for a legal conclusion. Calls for expert
17 testimony.

18 MR. BERMAN: Over your counsel's
19 objection, you can answer.

20 THE WITNESS: Corridos de Poca M was a
21 mutual arrange production in which we allowed Chuy
22 Chavez, Sr. to record roughly about seven corridos in
23 which he got paid for roughly about \$10,000 per each
24 song. We objected to the recording of that. In
25 exchange for that, he said, "You get to choose three



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1 BY MR. BERMAN:

2 Q Okay. Now, do you have any documents in your
3 possession that would evidence any understanding between
4 any of the band members and Hyphy Music that Hyphy Music
5 would be a co-author of the albums Corridos de Poca M or
6 El Campesino?

7 MR. BEGAKIS: Objection. Vague. Calls
8 for legal conclusion.

9 MR. BERMAN: You could answer.

10 THE WITNESS: The true story that I
11 recited over and over to you, in which there was a
12 mutual understanding of the arrangement in which they
13 were conceding their rights in exchange for a complete
14 buyout was not put in writing.

15 BY MR. BERMAN:

16 Q Has Hyphy Music ever filed copyright
17 registrations for sound recordings that it believes it's
18 owned in the U.S. Copyright Office?

19 A Yes.

20 Q Approximately how many copyright registrations
21 has Hyphy Music registered over the years?

22 A Registered on our behalf, roughly about 129;
23 transferred or recorded as an assignment of rights from
24 previous copyrights, roughly about 4400.

25 Q So when you talk about previously assigned --



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1 A Yes.

2 Q And would you say that you have some knowledge
3 of the sound recording process?

4 A Yes.

5 Q Okay. So then would you agree with me, sir,
6 based on your prior experience, that a digital sound
7 recording could basically be copied an infinite amount
8 of times without suffering any degradation and sound
9 quality?

10 MR. BEGAKIS: Same objections.

11 THE WITNESS: I believe that the most
12 important piece of the sound recording is the actual
13 master, which holds all the stamps, all the individual
14 tracks. From there, you can -- you can modify that,
15 and, yes, create endless numbers of copies off of the
16 mother master.

17 BY MR. BERMAN:

18 Q Do you have any documents or any -- withdrawn.

19 Do you have any documents in writing that
20 would memorialize any agreement or understanding between
21 Hyphy and the band that Hyphy would own any master
22 recordings as you just described them of the albums?

23 MR. BEGAKIS: Objection. Objection.

24 Asked and answered.

25 MR. BERMAN: Definitely not. But you



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1 could answer.

2 THE WITNESS: I have a general and
3 precise understanding of everyone involved as a
4 contributor, that that was the situation. It was not
5 written, however, the agreement still exists. That was
6 everyone's mutual understanding that Hyphy was to be the
7 owner under a buyout clause, which the band demanded a
8 certain amount of money in exchange for their rights.

9 And we have the check stubs to support
10 it. Every single dollar was issued to the band in
11 exchange for the rights.

12 BY MR. BERMAN:

13 Q Did you ever send any sort of correspondence
14 to Yellowcake demanding the return of any alleged master
15 recordings of the album?

16 A No. But we'd like them back.

17 Q Well, you don't own them, so you're not
18 entitled to them.

19 MR. BEGAKIS: Objection. Argumentative,
20 badgering the witness. Stick with your BS move to
21 strike statements that mean absolutely nothing, Counsel.

22 BY MR. BERMAN:

23 Q Who created the artwork for the four albums
24 that were -- or for the albums that were -- withdrawn.

25 A Marcelino Mendoza.



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1 Q And you see where it says registration date
2 May 4, 2020?

3 A Correct.

4 Q Do you believe that date to be accurate?

5 A Yes.

6 Q Moving on to Defendants -- I'm sorry -- the
7 document marked as Hyphy6 and 7 -- actually 6, 7, and 8.

8 A Yes.

9 Q Have you seen this document before?

10 A It looks like something I've seen. Yes.

11 Q And what do you understand it to be?

12 A Let me glance at it. It looks like we are
13 omitting to the fact that we own the logo on Los
14 Originales artwork.

15 Q Sorry. At the bottom it says, "Material
16 excluded from this claim: Hyphy Music does not own the
17 "Los Originales de San Juan" logo," correct?

18 A Correct.

19 Q To the best of your knowledge, who owns that
20 logo?

21 A The band.

22 Q Does Hyphy have any written authorization or
23 license from the band to use or continue to use the Los
24 Originales de San Juan logo in connection with the sale
25 of any of the albums?



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1 MR. BEGAKIS: Objection. Vague, calls
2 for legal conclusion.

3 THE WITNESS: The verbal agreement under
4 a complete buyout included that. Nothing in writing but
5 a complete understanding by both parties; that was the
6 intent.

7 BY MR. BERMAN:

8 Q Now, when you say it was the party's intent
9 that -- you're saying that Hyphy intended to buy out the
10 bands entire rights and interest in the logo for the Los
11 Originales de San Juan, or to have a license to use the
12 logo?

13 A To have permission to use the logo. As a
14 matter of fact, when we discussed the logo, Jesus Chavez
15 and Domingo Torres asked us to make sure that we use the
16 appropriate and official logo because apparently Morena
17 music was not using the official logo.

18 Q Just to clarify for the record, as we sit here
19 today, you have no documents that reflect any agreement
20 between the band and Hyphy Music giving Hyphy Music
21 permission to use the band logo, correct?

22 MR. BEGAKIS: Objection. Vague, calls
23 for legal conclusion.

24 THE WITNESS: I have complete express
25 verbal authorization from all band members to use it,



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